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ADOPTED

February 8, 1990

MEMORANDUM

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Linda Bourque, Assistant Director Neighborhood Planning
and Zoning
Paul Barrett, Assistant Director for Harbor Planning &
Development
Victor Karen, Deputy Director for Harbor Planning &
Development
Gary Brown, Planning Officer

SUBJECT: Harborpark Zoning Proposal for North End/Downtown
Waterfront

Executive

Summary: Pursuant to Article 27C, the Harborpark Interim Planning Overlay District, permanent zoning proposals for the North End/Downtown Waterfront are presented. The North End/Downtown Waterfront area is a major product of the comprehensive Interim Planning Overlay District. The overall goals of the Harborpark zoning include: providing public access to the waterfront, protecting and enhancing maritime industries, and managing growth for mixed-use development. An extensive public participation process has taken place since Harborpark's inception, and staff requests that the Boston Redevelopment Authority petition the Zoning Commission to adopt text and map amendments for final zoning of the North End/Downtown Waterfront area of the Harborpark Interim Planning Overlay District. It is anticipated that the Zoning Commission will consider formal adoption of the permanent Harborpark zoning for the four Harborpark areas including the North End/Downtown Waterfront, Dorchester Bay/Columbia Savin Hill, Charlestown Waterfront and South Boston Waterfront in March 1990.

Public Comment

At the public hearing on December 14, 1989, staff presented to the Board for consideration the proposed Harborpark District permanent zoning for the North End/Downtown Waterfront. This proposal was taken under advisement in order to consider public testimony and further review the provisions of the zoning. Considerable testimony was presented in support of the proposed zoning by the Harborpark Advisory Committee, the Boston Harbor Association, the Greenspace Alliance, the Boston Shipping Association, the Governor's Office of Economic Development, the Department of Environmental Protection, the International Longshoremen's Association, other local labor representatives,

the North End Waterfront Neighborhood Council (after 13 favorable 3 opposed vote of the Council), the North End CDC, a petition signed by approximately 500 residents and businessmen, and twenty other groups and individuals on record. The support was generally based on the recognition of the Plan as a well balanced set of land use regulations that support open space, affordable housing, maritime jobs, a mixed use economy and public benefits related to the Harbor and water-dependent and cultural uses.

Opposition was expressed by the Boston Waterfront Neighborhood Association (BWNA), Trustees of the Waterfront Condominiums, Boston by Sail, and from four waterfront residents. A petition in opposition signed by approximately 100 waterfront condominium owners and tenants also was submitted. The opposition issues expressed particularly by the BWNA can be summarized into three main categories: Use, Pier Expansion, and Density and Height. Opposition also was expressed by the F.D. Rich Company opposed to the low height limit and FAR of 55/2 in the Housing Priority Area.

Use regulations in the North End/Downtown Waterfront as drafted in proposed zoning reflect a grading from the south end of the Downtown Waterfront to the north end of the North End Waterfront of most mixed-use/commercial to most residential use/least commercial.

Consistent with the philosophy expressed under Chapter 91, in establishing the uses along the North End/Downtown Waterfront, a conscious effort was made not to privatize the entire waterfront with all housing and office uses, but to balance these uses. In the Downtown Waterfront, hotels, restaurants, offices and other commercial as well as residential uses are allowed. This area is adjacent to the financial district and already includes a wide mix of uses. In the adjacent portion of the North End Waterfront from Long Wharf through Lewis Wharf which is closer to the North End residential neighborhood and lower in scale, uses are more restrictive. The zoning allows hotels and makes restaurants that are not already subject to review under Article 31 conditional. General Office uses are restricted, commercial uses are restricted to local business uses, and commercial uses above the second floor are prohibited in residential buildings. In the adjacent Housing Priority Area of the North End Waterfront, hotels and general offices are prohibited, restaurants are conditional if not subject to Article 31, local business uses are limited, and two-thirds of any project must be housing.

In terms of pier expansion and density, we feel these components are controlled to a great degree. In the North End Waterfront, no New Pier net area can exceed the area of a twelve foot perimeter walkway in order to maximize public access. Piers may not be extended more than twelve feet beyond the 1880

Pierhead line and in no case beyond the Magenta Zone. In the Downtown Waterfront, where the main shipping channel is further from the pier area and shoreline, piers may be expanded only fifty feet beyond the 1880 Pierhead Line. Lateral pier expansion is controlled by zoning provisions that prohibit interference with inter-pier navigation and closing off of inter-pier water areas. These provisions combined with the fifty percent open space requirement and low maximum allowed FARs of two and four in the North End and Downtown Waterfronts respectively define a controlled density, lower than most existing sites and lower than most densities permitted in the Downtown Waterfront under prior zoning.

The proposed height limits in the North End/Downtown Waterfront reflect a balance of many factors including the creation of generous publicly accessible open space and regulation of building heights in scale with the surrounding area. The open space provisions of the proposed zoning have received acclaim in all testimony submitted to the Authority. Height limits, however, have been criticized in several of the letters received during the public comment period.

In establishing in the Downtown Waterfront the appropriate balance between height and open space, the proposed zoning looks to neither the lowest nor the tallest surrounding existing building. For example, in the Downtown Waterfront, the existing two Harbor Towers reach a height of 400' and on Rowes Wharf a height of 170'. In the adjoining Financial District, buildings reach 600 feet in height. The proposed maximum height limit of 155' is below the 170' and far below the 400' and 600' tall buildings.

Rather, the proposed height limit looks to the adjoining Custom House District, where maximum building height is 155'. This corresponds to the historic height limit for the waterfront established in the 1924 zoning and subsequently repealed in 1964. Accordingly, the proposed height limit will ensure that new development fits the character and scale of traditional Boston buildings.

Just as in the Custom House District not all buildings attain a height of 155', so too in the Downtown Waterfront, a number of existing buildings range in height from 90' to 125'. Many of these buildings have a gross floor area in excess of what would be permitted for new construction under the proposed Harborpark FAR of 4. A varied scale of buildings that contributes to an overall district character not unlike the Custom House District is thus envisioned. Moreover, a height limit of 55' is proposed for a distance of 150' back from the 1880 pierhead line. No buildings, except for water-dependent uses, are permitted within 50' of the 1880 pierhead line.

Another issue which raised concerns is incorporation of

building mechanicals in the measurement of height as in the North End. The North End is an area which the urban design is defined almost exclusively by flat top row buildings under fifty-five feet in height. The Waterfront on the opposite side of Commercial Street/Atlantic Avenue is characterized by very different urban design elements. Historic buildings are primarily warehouse type buildings with a variety of roof features that are part of the building design. By not counting mechanical space in height, we can achieve roof designs that enhance the urban design of the waterfront through enclosure of mechanicals and creation of well-designed roof lines in this historic area.

One of the comment letters indicated that buildout under the proposed zoning would not be possible without construction of the Central Artery and Third Harbor Tunnel. This misinterprets the transportation analysis conducted by TAMS, which concluded that the buildout allowed under proposed zoning would reduce overall trip generation from that allowed under the current underlying zoning. Furthermore, the proposed zoning extends Article 31 Development Review to the North End/Downtown Waterfront. Pursuant to Article 31, a detailed Transportation Access Plan that identifies potential project impacts and mitigation measures will be required for new development.

In addition to monthly Harborpark Advisory Committee meetings, which were increased to bimonthly meetings in November and December, 1989, and January, 1990, and weekly meetings with the Harborpark Advisory Committee Working Group over the past six months, staff has spent considerable hours meeting with the BWNA on their concerns. We have met 15 times since May, 1989, with the BWNA including joint meetings with the North End/Waterfront Neighborhood Council. Between the beginning of November and the end of January, 1990, staff has met with these groups nine times in an effort to resolve their issues. Appendix A summarizes the issues raised by the BWNA and the positive changes made to the proposed Harborpark Zoning in response.

Many of the comment letters recognize that the proposed zoning has already been subject to positive negotiation and compromise prior to the BRA hearing. We feel that the community review process has resulted in a balancing of numerous multiple interests. Further reductions suggested in several letters, such as a blanket 35' height limit for all buildings on piers would upset this balance by significantly impairing the feasibility of new development that will revitalize the waterfront and accompanying public benefits. The land uses status quo would remain, existing piers would continue to deteriorate and the goals of the City's visitor Harborpark Plan would be unfulfilled. Accordingly it is recommended that the Authority recommend adoption of the proposed Harborpark Zoning for the North End/Downtown Waterfront.

Overview

The Harborpark planning process began in 1984 when the Flynn Administration established the Harborpark Advisory Committee (HPAC). This 15-member group includes representatives of key harbor constituencies and waterfront neighborhoods who advise the city on policy and development affecting the harbor. In March 1987, the Harborpark Interim Planning Overlay District (IPOD) was created. The IPOD defined goals for the harbor and established temporary zoning to assure appropriate growth and to protect the Waterfront from inappropriate uses, permitted by the underlying zoning, while permanent zoning was being established. The Harborpark IPOD grew out of the IPOD established in 1985 for the Port Norfolk neighborhood. Port Norfolk represented a microcosm of many of the planning issues facing the entire harbor in terms of outdated zoning, changing land use patterns and demands, and lack of land use direction. The permanent zoning for Port Norfolk, adopted in July of 1988, revised the outdated zoning to reflect a balance of uses including open space, residential and waterfront service zoning districts.

Since the Harborpark IPOD was created, a comprehensive planning study has been developed for the North End/Downtown Waterfront, South Boston, Dorchester and Charlestown Subdistricts, as part of the Harborpark District Plan. The results of the study include recommendations on land use, open space, public access, building setbacks, urban design, affordable housing, transportation, commercial/industrial uses, and address and are consistent with Chapter 91 public access and benefits. The proposed zoning addresses the original concerns of the community relating to waterfront uses and particularly access to the Harbor.

The intent of the Harborpark Plan is to ensure that there is a balance of accessible places on the waterfront for all residents of the city to live, work, and gather for recreation or the enjoyment of nature, and at the same time assure that the economic health of the waterfront enhances the quality of life in the City. The three overall goals of the Harborpark District Zoning are:

- ▲to provide public access to the waterfront's unique opportunities for recreation, economic activity and housing;
- ▲to protect and enhance the waterfront's maritime industries, which require deep-water shipping channels and land-side facilities on the Harbor; and
- ▲to manage growth so that appropriately-designed mixed-use development brings vitality to the waterfront and benefits of that development are shared by residents of all the city's neighborhoods.

Public Access and Open Space

In the Harborpark District as a whole, new zoning sets aside more than 1000 acres of waterfront land as open space and reserves 660 acres for maritime industries. It includes requirements for 50% open space on new private development and public access along the perimeter of all sites. This hearing will focus on the proposed zoning for the North End/Downtown Waterfront. However the general provisions apply throughout Harborpark.

Since the Harborpark IPOD was adopted in 1987, over 200 meetings with the public have been held. The community process in the North End/Downtown Waterfront has included 72 meetings with the Harborpark Advisory Committee, and 92 with the Harborpark Zoning Working Group in 1988 and 1989, over 10 with the North End Waterfront Neighborhood Council and the North End Waterfront Neighborhood Council Land Use Subcommittee and the Boston Waterfront Neighborhood Association to review draft zoning proposals, and 38 with the Sargents Wharf working group subcommittee to establish development guidelines for that site. The public participation process has additionally incorporated countless hours of staff time in separate meeting with various community leaders and waterfront residents and representatives. Staff believes that the proposed zoning for the North End/Downtown Waterfront reflects this community input and responds to neighborhood, business, and city concerns. The document before you today has benefited from this process.

The North End/Downtown Waterfront extends from the Northern Avenue Bridge to the North Washington Street Bridge. The boundary between the North End Waterfront Subdistrict and the Downtown Waterfront Subdistrict is at the property line between Long and Central Wharf.

A primary goal of the Harborpark Plan is to ensure public access to Boston's waterfront for recreational, residential and industrial or commercial uses. Today's development will be guided by a view of the waterfront as a public resource to be protected from too much privatization.

In order to ensure that public access to the waterfront is maintained, open space and setback requirements will be established. Fifty percent of all project sites must be preserved as open space with a major portion dedicated to the public. This includes setback provisions of 35 feet from the ends of piers in the North End, 50 foot setbacks in the Downtown Waterfront and 12 foot setbacks from the sides of all piers. Public access requirements require projects to provide a continuous walkway along the water, open to the public. This waterfront walkway system, Harborwalk, is designed to create public access to and along the entire harbor, leading to recreational, cultural and

historic attractions, and establishes direct connections to public transit, including water transportation facilities.

In addition to open space and setback requirements, the North End Playground and Christopher Columbus Park are established as open space subdistricts.

Chapter 91

Proposed Chapter 91 Tidelands regulations for public access, water dependent uses and activation of the waterfront are incorporated into the Harborpark zoning. The zoning, as the key element of the Harbor Management Plan, will be submitted to the Department of Environmental Protection (DEP). The Harborpark District Zoning Plan will require than any proposed project comply with Chapter 91 regulations and the Coastal Zone Management policies that are applicable to the City of Boston. In accordance with the provisions of Chapter 91 for any proposed project, the City must submit a determination of proper public purpose. The BRA's determination will be based upon the extent to which a project appropriately preserves and enhances visual access to the water, rights to fishing, fowling and navigation, physical access to and along the water's edge, the preservation of the historic character of a project's site, public recreational opportunities at the water's edge, open space for public use and enjoyment, interest in industrial and commercial waterborne transportation of goods and persons, and interest in repair and rehabilitation of dilapidated piers that blight the Harbor and limit public access.

Height Limits

Prior to 1965 the historic height limit for this entire area was 155 feet, height limits were eliminated in the 1965 Zoning Code, but now are established for the waterfront. In the North End Waterfront, 55-foot height limits are established overall with the exception of Sargents Wharf and the Pilot House Extension. On these two sites, height up to 75 feet on land may be achieved through establishment of an Urban Renewal Area. In the North End, an FAR of 2 is established. The height and density provisions for this area reflect the scale and character of the adjacent North End residential community and this area of the waterfront.

Height limits in the Downtown Waterfront provide for a stepping up landward from the 1880 Pierhead line in four zones: no build out the seaward end to 55 feet to 110 feet to 155 feet at the street. An FAR of 4 is established. Higher height and density in this area reflect the surrounding building character of the area, and are consistent with or below the historic height limit of 155 feet, first enacted in 1924.

Water Transportation

The Harborpark zoning requires that all projects include a water transportation facility commensurate with the scale and location of the project. The Downtown Waterfront will be a Water Transportation Priority Area incorporating the major terminals for recreational, community, inner harbor ferry, and water shuttle services. Developers of major waterfront projects will be required to include docks or piers for shuttles, ferries, or water taxis.

Water Dependent Uses

A further expansion of the public access goal is the requirement that all projects provide a water-dependent use commensurate with the scale and location of the project. At least forty percent of the first floor of any project must be devoted to facilities of public accommodation and an additional twenty-five percent must be for a public cultural facility. In the Downtown Waterfront, no residential uses will be permitted on the first floor on piers.

Affordable Housing

The Harborpark Zoning establishes minimum affordability requirements for any housing proposed on either publicly or privately held tidelands. In order to provide for minimum affordability requirements, a Housing Priority Area is established in the North End Waterfront, extending from the Coast Guard Station to the property line between Sargents and Lewis Wharf. In the Housing Priority Area, two-thirds of any project must be housing. The overall goal is to obtain 25% affordable housing in this area. A minimum of twenty-five percent of all housing built on publicly-held land in Harborpark must be affordable as must ten percent of all housing built on privately-held land. This requirement is consistent with Chapter 91 proposed regulations. In addition, the Sargents Wharf site in the Housing Priority is targeted for 50% affordable housing in accordance with the request for proposals for Sargents Wharf dated March 23, 1989 and approved by the North End Waterfront Council Neighborhood.

Development and Design Review

BRA Article 31 Development and Design Review requirements will be applied to any project over 10,000 square feet or built on new fill. This will promote project design which has a sensitivity to the waterfront with respect to a building's orientation, height, massing, materials, open spaces and public amenities. In order to promote public access to the waterfront, projects should direct views toward the harbor and provide pedestrian access to the waterfront.

A local business district (L-2-55) is established in the North End on the former FDA building site.

Transportation Analysis

A detailed transportation analysis was conducted by TAMS Consultants, Inc. along Atlantic Avenue/Commercial Street from the Fort Point Channel to the Charlestown Bridge. The study was conducted in order to evaluate the effects of changing the current underlying zoning in the North End/Downtown Waterfront to the proposed Harborpark zoning for that area. This study is submitted as part of the record on the Harborpark zoning. The analysis compared three scenarios: existing conditions, future build year 2000 underlying zoning, and future build year 2000 for proposed zoning.

The year 2000 was selected as an appropriate year for analysis, since the Central Artery and Third Harbor Tunnel projects are expected to be complete by then. It would be inappropriate not to include these projects, since they will have significant impact on downtown traffic conditions. The study also included the design improvements for Commercial Street for year 1995, as proposed to the Boston Transportation Department under an Urban Systems Contract.

In addition to analysis of traffic conditions, the study also addresses parking, pedestrian, transit and water transportation issues. Although these aspects do not generally lend themselves to such detailed quantitative analysis as does traffic, they do raise important issues for the Downtown Waterfront, and it is important to consider their impacts under future land use zoning, either existing or proposed. The analysis also addresses mitigation measures to deal with adverse impacts and issues arising as a result of the proposed zoning changes, as well as general transportation improvements which might be desirable in any event under either zoning condition.

In summary, TAMS indicates that given the assumptions for the year 2000, Levels of Service traffic conditions on Atlantic Avenue/Commercial Street should improve under either existing or proposed zoning, and that the proposed zoning is slightly better in terms of peak traffic. This is due to the fact that the comparison of projected land uses for the two zoning scenarios reveals that, apart from the overall reduction in additional floor space for the proposed zoning, there is a substantial shift from additional office use under Scenario II (Existing Zoning) to residential and hotel uses under Scenario III (Proposed Zoning). This has important implications for traffic generation, in that residential and hotel uses generally exhibit more favorable characteristics than office use, which typically generates higher volumes of peak hour traffic.

Urban Renewal Plan

In 1964, an Urban Renewal Plan was established for the Downtown Waterfront - Faneuil Hall area (Project Mass, R-77). The Plan included specific land use and building height requirements, including Floor Area Ratio, use, setback, parking, and design guideline provisions for the area which is the subject of the proposed North End Downtown Waterfront Zoning. The Plan has been in effect for over twenty years, thus giving the City a long period of experience in growth and development under the rules of this Plan. The Urban Renewal Plan allows more general business and office activities, greater height up to 300 feet in some locations, greater density up to FARs of 8 and 10, and less open space. The proposed zoning is a result of an exhaustive planning analysis of the waterfront which also looked at the results of the Urban Renewal Plan.

The proposed zoning for the North End/Downtown Waterfront incorporates extensive review by the Harborpark Advisory Committee, City agencies, the general public and the BRA and represents the evolution of the Harborpark zoning over 5 years. Input from and dedication of the HPAC and its constituent members has been invaluable. Today the BRA hears the presentation of the proposed zoning for the North End Downtown Waterfront, and the public has the opportunity to voice its comments. Because of the magnitude of the rezoning and the depth of public participation, it is appropriate that the BRA allow additional time for people to submit comments. On January 11, 1990, a public hearing was held for the Columbia/Savin Hill and Dorchester Subdistricts of the Harborpark IPOD. It is anticipated that Public hearings will be held on March 8, 1990, for the Charlestown Subdistrict and on February 15, 1990 for the South Boston Subdistrict. Staff will review those comments and evidence presented at the hearing and make recommendations for any reconsideration by the BRA. The total Harborpark zoning would then be submitted to the Zoning Commission in March 1990.

An appropriate vote follows:

Voted: The Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt text and map amendments for proposed final zoning of the North End/Downtown Waterfront area of the Harborpark Interim Planning Overlay District, in substantial accord with the zoning proposal submitted at its meeting of February 8, 1990.

APPENDIX A

ISSUES RAISED BY WATERFRONT ASSOCIATION

CHANGES MADE BY BRA IN RESPONSE

- | | |
|---|--|
| 1. Tidelands should not be included in open space. | 1. Water surface is not included in open space.* |
| 2. Streets and public ways should not be included in open space. | 2. Streets and public ways are not included in open space.* |
| 3. Reduce density for Inner Harbor Piers. | 3. Downtown waterfront reduced from max. FAR 5 to max. FAR 4; North End Waterfront reduced from max. FAR 3 in Housing Priority Area to max. FAR 2 everywhere, except Sargents Wharf/Pilot House Extension. |
| 4. Extend North End 55' height to Inner Harbor Piers, land 35' piers. | 4. Entire North End Waterfront, from Long Wharf to North End Playground reduced to 55' except Sargents Wharf (land) and Pilot House Extension. 35' no build setback from pier and bulkhead ends. |
| 5. Zoning should control parking to serve site, not regional needs. | 5. All commercial parking is in Freeze area and is conditional.* |
| 6. Excessive use of Article 31 to raise height/FAR. | 6. No height/FAR increase permitted through Article 31. |
| 7. Use of PDAs to raise height/FAR. | 7. No PDAs permitted in North End Waterfront/ Downtown Waterfront. |
| 8. Prevent walling-off; maximize views from streets. | 8. View corridors and 50% open space required.* 13 design criteria are included. |
| 9. Downtown Waterfront 75' height on land, 55' height on piers. | 9. Downtown Waterfront
♦50' no build setback from pier ends |

♦building heights
step up from the
water landward from
the 1880 Pierhead
line in four zones:
no build
55 feet
110 feet
155 feet

10. Inadequate restrictions
on non-residential land
uses; restrict non-
residential to first two
floors.

11. Restaurants should be
conditional.

10. ▶40% first floor for
public accommodation.
▶Downtown Waterfront
additional 25% for
cultural use.
▶Offices conditional in
entire North End
Waterfront.
▶In residential building,
non-residential uses
restricted to first two
floors.
▶Hotels conditional in
Housing Priority Area.

11. Restaurants conditional
in Housing Priority Area.
Restaurants conditional
in North End Waterfront
unless subject to Article
31.

* In earlier draft